

REMARKS

This amendment is in response to the Official Action mailed December 27, 2002. A petition for a one-month extension of the shortened statutory period for response to this Official Action, to and including April 27, 2003, is enclosed herewith.

The Examiner rejected claims 1, 4-10, 13-19, 22-29, 36-41 and 48-51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2001/0032187 ("*Nuttall*"). The Examiner also rejected claims 30, 31, 42 and 43 under 35 U.S.C. § 103(a) as being unpatentable over *Nuttall*. In addition, the Examiner rejected claims 2, 3, 11, 12, 20, 21, 32-35 and 44-47 under 35 U.S.C. § 103(a) as being unpatentable over *Nuttall* in view of U.S. Patent No. 6,388,714 ("*Schein*").

*Nuttall* discloses a method for distributing digital works among "nodes" of a communication network. As explained in *Nuttall*, each node "includes at least one computer system" connected to the network, and each node preferably is "addressed by a node address, for example a uniform resource locator (URL), a name from a domain name system (DNS), or an Internet Protocol address (IP)." (§ 29, lines 4, 14-17.) As further explained in *Nuttall*, a digital work is requested by one of a plurality of content requesting nodes 110 connected to network 100. (Figure 1.) The system for responding to such a request includes a plurality of other nodes, namely, content acquisition node 102, content managing node 104, provider preparation node 106, content providing node 108, authorizing node 112, event reporting node 116, banking node 114 and reconciling node 118. (Figure 1.) *Nuttall* explains the operation of these nodes as follows:

To request a data transfer in a preferred embodiment for the Internet, a user or consumer at content requesting node 110 uses

a network browser, such as Microsoft Internet Explorer, and follows an Internet link (clicks on a portion of an HTML file display), causing a message in HTTP format to be conveyed on line 136 to content providing node 108. Content providing node 108 forwards the request on line 138 to authorizing node 112. If the request is valid, authorizing node 112 creates a permit and sends it on line 146 to content requesting node 110. A permit is a message created to uniquely respond to the request from a particular content requesting node. Using portions of the permit, content requesting node 110 requests on line 136 particular files from content providing node 108. In response, such particular files are conveyed on line 148 to content requesting node 110, completing the data transfer.

(Nuttall, ¶ 34.)

As further explained in *Nuttall*:

When the data transfer begins and again when at least some of the data has been transferred, content requesting node 110 reports on line 150 to event reporting node 116. Event reporting node 116 logs the events and from time to time reports the log on line 152 to reconciling node 118. By comparing reports received on lines 152, 154, 156, and possibly 158 (from content providing node 108), reconciling node distinguishes valid complete data transfers from incomplete

transfers and from events that could indicate intentional interference with the integrity of network 100. For each valid complete transfer, reconciling node allocates revenues generated from the debits of users' accounts, discussed above with reference to line 144. Reconciling node then initiates funds transfers with messages to banking node 114 on line 160 for payments of, for example, distribution fees and royalties.

(Nuttall, ¶ 35, emphasis added.)

As explained in Applicant's specification, Applicant's copyright management system can be "added to an existing copyrighted-work distribution-and-receiving system." (Specification at 8.) As a result, "the distribution business party only needs to newly install a copyright management means [in the copyrighted-work distribution-and-receiving system] and to connect it to the customer management center." (*Id.*) Nuttall, on the other hand, discloses a copyright management system that is distributed throughout a plurality of nodes of a network.

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Applicant's independent claim 1 recites a "copyright management apparatus used for a copyrighted-work distribution-and-receiving system in which a distribution side generates copyrighted works and distributes the copyrighted works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works." As amended, claim 1 further recites that each of the elements, namely, the "copyright information storage means for storing copyright information related to the copyrighted works," the "receiving means for receiving downloading information, sent from the receiving side" and the "copyright management means for performing copyright

management related to the copyright for each selected copyrighted work," is located "at the distribution side." Applicant's other independent claims have been similarly amended.

In *Nuttall*, the distribution node, namely, content providing node 108, contains none of these elements. Copyright information is stored in databases 208 and 210 located at content managing node 104, not content providing node 108. (Figure 2.) When the transfer of a digital work is completed, content requesting node 110 does not report the event to content providing node 108 but rather to event reporting node 116. Content providing node 108, therefore, contains no "receiving means for receiving downloading information, sent from the receiving side," as recited in claim 1. This downloading information, as further recited in claim 1, is for identifying "selected copyrighted works distributed from the distribution side and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving side's payment for said downloading." In addition, copyright management is performed by systems located in reconciling node 118 and banking node 114, not content providing node 108. *Nuttall*, therefore, does not disclose or suggest Applicant's claimed invention.

*Schein* discloses a system "for providing television schedule and/or listing information to a viewer, and for allowing the viewer to link, search, select and interact with information in a remote database, e.g., a database on the internet." (Abstract.) *Schein* discloses no means for storing or managing copyright information. *Schein*, therefore, also does not disclose or suggest Applicant's claimed invention.

In view of the above amendments and remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made"**.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 25, 2003

Respectfully submitted,

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**Version With Markings to Show Changes Made**

1. (~~TWICETHRICE~~ AMENDED) A copyright management apparatus used for a copyrighted-work distribution-and-receiving system in which a distribution side generates copyrighted works and distributes the copyrighted works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works, comprising:

copyright information storage means at the distribution side for storing copyright information related to the copyrighted works, said copyright information including the identities of the copyrighted works, the identities of the owners of the copyrights for the copyrighted works and data related to the costs for downloading the copyrighted works at said receiving side;

receiving means at the distribution side for receiving downloading information, sent from the receiving side, said downloading information identifying selected copyrighted works distributed from the distribution side and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving side's payment for said downloading; and

copyright management means at the distribution side for performing copyright management related to the copyright for each selected copyrighted work in response to said downloading information and based upon said downloading information and the copyright information, said copyright management including calculating a copyright payment due each owner of the copyrights for the selected copyrighted works.

10. (~~TWICETHRICE~~ AMENDED) A copyrighted-work distribution apparatus used for a copyrighted-work distribution-and-receiving system in which a distribution side generates copyrighted works

and distributes the copyrighted works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works, comprising:

distribution means at the distribution side for distributing a plurality of copyrighted works through the transmission path;

copyright information storage means at the distribution side for storing copyright information related to the copyrighted works, said copyright information including the identities of the copyrighted works, the identities of the owners of the copyrights for the copyrighted works and data related to the costs for downloading the copyrighted works at said receiving side;

receiving means at the distribution side for receiving downloading information, sent from the receiving side, said downloading information identifying selected copyrighted works distributed from said distribution means and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving side's payment for said downloading; and

copyright management means at the distribution side for performing copyright management related to the copyright for each selected copyrighted work in response to said downloading information and based upon said downloading information and the copyright information, said copyright management including calculating a copyright payment due each owner of the copyrights for the selected copyrighted works.

19. (~~TWICE~~THRICE AMENDED) A copyrighted-work distribution-and-receiving system in which a distribution side generates copyrighted works and distributes the copyrighted

works through a given transmission path, and a receiving side pays a receiving fee for the copyrighted works, comprising:

distribution means at the distribution side for distributing a plurality of copyrighted works through the transmission path;

copyright information storage means at the distribution side for storing copyright information related to the copyrighted works, said copyright information including the identities of the copyrighted works, the identities of the owners of the copyrights for the copyrighted works and data related to the costs for downloading the copyrighted works at said receiving side;

a receiving-side apparatus at the receiving side for receiving the copyrighted works distributed from said distribution means and for sending downloading information, said downloading information identifying selected copyrighted works distributed from said distribution means and downloaded at said receiving side, indicating that said receiving side's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving side's payment for said downloading;

receiving means at the distribution side for receiving said downloading information from said receiving-side apparatus; and

copyright management means at the distribution side for performing copyright management related to the copyright for each selected copyrighted work in response to said downloading information and based upon said downloading information and the copyright information, said copyright management including calculating a copyright payment due each owner of the copyrights for the selected copyrighted works.



28. (TWICE AMENDED) A system for distributing copyrighted works and managing payments owed as a result of the distributing to the owners of the copyrights in the copyrighted works, said system comprising:

a server located at a distribution facility adapted to serve said copyrighted works through a first transmission system to a receiving facility;

a communication interface at said distribution facility adapted to receive through a second transmission system downloading information, said downloading information identifying selected copyrighted works downloaded by said receiving facility, indicating that said receiving facility's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving facility's payment for said downloading;

a memory associated with said server adapted to store copyright information corresponding to each of said copyrighted works, said information providing the identity of the copyrighted work, the identity of the owner of the copyright for the copyrighted work and data relating to the cost for downloading the copyrighted work by said receiving facility;

a processor associated with said server, in communication with said memory and said communication interface, adapted to calculate, in response to said downloading information and on the basis of said downloading information and said copyright information, a copyright payment due each owner of the copyrights for the selected copyrighted works.

40. (TWICE AMENDED) A method for distributing copyrighted works and managing payments owed as a result of the distributing to the owners of the copyrights in the copyrighted works, said method comprising:

serving from a server located at a distribution facility said copyrighted works through a first transmission system to a receiving facility;

receiving at a communication interface at said distribution facility through a second transmission system downloading information, said downloading information identifying selected copyrighted works downloaded by said receiving facility, indicating that said receiving facility's downloading of said selected copyrighted works was authorized and indicating that an accounting has occurred for said receiving facility's payment for said downloading;

storing in a memory associated with said server copyright information corresponding to each of said copyrighted works, said information providing the identity of the copyrighted work, the identity of the owner of the copyright for the copyrighted work and data relating to the cost for downloading the copyrighted work by said receiving facility;

calculating with a processor associated with said server, in communication with said memory and said communication interface, in response to said downloading information and on the basis of said downloading information and said copyright information, a copyright payment due each owner of the copyrights for the selected copyrighted works.